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3
4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

6 * * *

7 TRUSTEES OF THE TEAMSTERS
8 LOCAL 631 SECURITY FUND FOR
9 SOUTHERN NEVADA,

) 2:10-CV-00315-PMP-GWF

Plaintiff,

10 vs.

11 CSC APPLIED TECHNOLOGIES,
12 LLC, a Delaware limited liability
company,

ORDER

13 Defendant.
14

15 CSC APPLIED TECHNOLOGIES,
16 LLC, a Delaware limited liability
company,

17 Third-Party Plaintiff

18 vs.

19 INTERNATIONAL BROTHERHOOD
20 OF TEAMSTERS, LOCAL 631,

21 Third-Party Defendant
22

23 On June 29, 2011, Third-Party Defendant's International Brotherhood of
24 Teamsters, Local 631 filed a Motion for Judgment on the Pleadings (Doc. #42) and a
25 Motion for Summary Judgment (Doc. #43). Responses to those Motions were due
26 on July 16, 2011. None were filed.

1 On July 28, 2011, the Court entered an Order (Doc. #44) granting Third-
2 Party Defendant's Motions.

3 On July 29, 2011, the Court received the attached correspondence via
4 facsimile, indicating that counsel for the parties had agreed to extend to August 3,
5 2011, the deadline for responses to Third-Party Defendant's Motions. While the
6 parties were certainly privy to this agreement, the Court was not. In accord with the
7 Local Rules of this Court, stipulations of the parties are not effective unless
8 approved by the court.

9 Nevertheless, given the reasons set forth in the correspondence of counsel
10 attached hereto, the Court finds it appropriate to vacate its Order (Doc. #44)
11 granting Third-Party Defendant's Motions and to permit Third-Party Plaintiff CSC
12 Applied Technologies LLC, leave to file a response thereto not later than **August 3,**
13 **2011.**

14 **IT IS THEREFORE ORDERED** that for the reasons set forth above that
15 this Court's Order (Doc. #44) entered July 28, 2011, is **hereby VACATED**.

16
17 DATED: August 1, 2011.



18
19 PHILIP M. PRO
20 United States District Judge
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24
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26

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law for business

FACSIMILE TRANSMITTAL SHEET

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TO:

Honorable Judge Philip M. Pro

COMPANY:

U.S. District Court of Nevada

FAX NUMBER:

702-464-5511

PHONE NUMBER:

FROM:

Robert L. Rosenthal

DATE:

Friday, July 29, 2011

TOTAL NUMBER OF PAGES INCLUDING COVER:

6

SENDER'S PHONE NUMBER:

702-257-1483

SENDER'S FAX NUMBER:

702.567.1568

Case No. 2:10-CV-00315-PMP-GWF

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

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Robert L. Rosenthal

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July 29, 2011

VIA FACSIMILE ONLY (702) 464-5511

Honorable Judge Philip M. Pro
U.S. District Court of Nevada
333 Las Vegas Boulevard
Las Vegas, Nevada 89101

Re: Trustees of the Teamsters Local 631 v. CSC Applied Technologies, LLC
Case No. 2:10-CV-00315-PMGWF

Dear Judge Pro,

We represent CSC Applied Technologies (“CSC”) with respect to the above-referenced matter. After receiving a motion for summary judgment and a motion for judgment on the pleadings filed by the International Brotherhood of Teamsters, Local 631 (the “Teamsters”), we contacted the Teamsters’ counsel and requested an extension to file responses to the motions (due to the undersigned being ill and out of town on business). Counsel graciously gave us until Wednesday, August 3, 2011 to oppose his motions. (Please see the attached correspondences).

Accordingly, we respectfully request that the Court vacate its Order dated July 29, 2011, which granted the Teamsters’ motions, so that CSC can be fully heard on these matters.

Very truly yours,
HOWARD & HOWARD ATTORNEYS PLLC


Robert L. Rosenthal, Esq.

RLR:bjd

cc: Patrick Domholdt (patrickd@teamsters631.com)

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Rosenthal, Robert L.

From: Patrick Domholdt [patrickd@teamsters631.com]
Sent: Thursday, July 28, 2011 11:00 AM
To: Rosenthal, Robert L.
Subject: RE: Teamsters

Rob:

Not a problem. Next Wednesday is ok with me. I hope you feel better.

Patrick

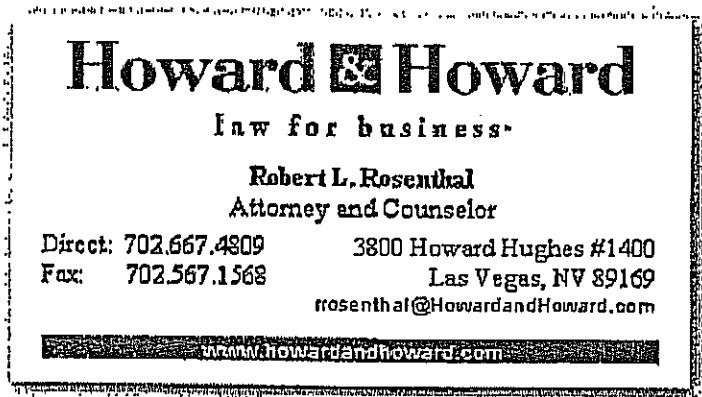
From: Rosenthal, Robert L. [mailto:rosenthal@HowardandHoward.com]
Sent: Thursday, July 28, 2011 10:58 AM
To: Patrick Domholdt
Subject: Teamsters

Hi Patrick,

I've been out sick for more than a week and as a result, I won't be able to respond to your motions by tomorrow. I hate to impose on your courtesy again; but if you could give me until next Wednesday to respond to both motions I would greatly appreciate it.

Thanks,

Rob



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Rosenthal, Robert L.

From: Patrick Domholdt [patrickd@teamsters631.com]
Sent: Monday, July 11, 2011 2:48 PM
To: Rosenthal, Robert L.
Subject: RE: Teamsters v. CSC

Rob:

The Union is agreeable to a three week extension.

Patrick

Hi Patrick,

I just landed in NYC and saw your email. I appreciate your position; but I need a 3 week extension to respond to the motions because, as previously stated, I honestly thought they may have been filed in error when I initially received them (when in fact the error was mine). I have not had an opportunity to review the your motions (or the details of the suit for that matter, as I was just brought on board), and I won't be able to look at the file until I return from business next week.

Thanks for your anticipated cooperation.

Rob

From: Patrick Domholdt [mailto:patrickd@teamsters631.com]
Sent: Monday, July 11, 2011 03:04 PM
To: Rosenthal, Robert L.
Cc: az@dcbsf.com <az@dcbsf.com>
Subject: RE: Teamsters v. CSC

Rob:

I just got back into the office today. My family and I appreciate your sympathies.

In regards to the motions, I would still request to proceed with the motions. Like the stay, the Union is also excluded from the settlement conference. According to the Joint Motion, "CSC joins the Trustees in this request, but Third-Party Defendant International Brotherhood of Teamsters, Local 631 does not. Therefore, the Trustees and CSC respectfully request that the Court's order for stay and for referral for settlement conference be limited to the Trustees and CSC only." Based on the language of the motion, both the stay and the settlement conference are limited to CSC and the Security Fund. The Union is not involved in any future settlement conference nor does the Union think any settlement conference would be useful for either party.

While I understand your point that the motions may take four months to decide, my client has no other avenue. The Union is not involved in the settlement conference. By withdrawing the motions, I would essentially be preparing for trial. I am proceeding as if the Union is not included in your joint motion and is still abiding by extending joint scheduling order.

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Patrick

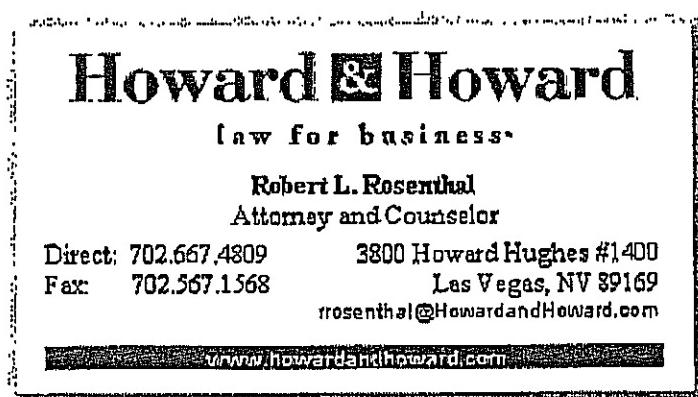
Patrick,

Thanks for the quick response, and sorry to hear about your family circumstances. My condolences.

I reviewed the language of the stay and you are correct. Nonetheless, I think it's highly unlikely the court will rule on your motions before the settlement conference (in my experience, motions for summary judgment and judgment on the pleadings take at 4+ months to decide). Therefore, I still think it makes sense if we can hold off on your motions until after the conference. The conference is only 2 months out, so your client will not have lost much time.

I will be out of town on business Monday -- Thursday next week; but I will checking my e-mail regularly.

Rob



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From: Patrick Domholdt [mailto:patrickd@teamsters631.com]
Sent: Wednesday, July 06, 2011 5:28 PM
To: Rosenthal, Robert L.
Cc: az@dcbsf.com
Subject: RE: Teamsters v. CSC

Rob:

It was my understanding, based on the language of the approved joint motion for the stay, that the stay concerned the initial lawsuit

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It is my belief that the Third Party Complaint could be resolved through the motions that were filed last week. Any settlement talks would not be necessary until the pending motions are ruled upon.

I had to fly to Cleveland for an untimely family death and will be out of the office until Monday. However, I can be reached on my cell phone at (702) 672-6360.

Patrick

-----Original Message-----

From: Rosenthal, Robert L. [mailto:rrosenthal@HowardandHoward.com]
Sent: Wed 7/6/2011 11:07 AM
To: Patrick Domholdt
Subject: Teamsters v. CSC

Patrick,

As you probably know, I represent CSC in the above-referenced matter. I received a copy of your motion for summary judgment. I am wondering why it was filed in light of the fact that the parties agreed to stay the case pending a possible resolution via settlement conference before Judge Foley. Please let me know if you are willing to take your motion off-calendar due to the stay.

Thanks,

Rob

[cid:image001.png@01CC3BCC.D60E4B90]<<http://www.howardandhoward.com/>>

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